

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
3 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
4 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
5 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE
6 ATLAS (FLUA); ADOPTING SMALL SCALE DEVELOPMENT
7 AMENDMENT 99-SCA 105 COM 1 (STRATA DEVCO);
8 MODIFYING PAGE 105 OF THE FLUA BY CHANGING A
9 PARCEL OF LAND TOTALING APPROXIMATELY 9.78 ACRES
10 GENERALLY LOCATED ON THE WEST SIDE OF STATE ROAD
11 7, APPROXIMATELY 1/2 MILE NORTH OF YAMATO ROAD
12 FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5)
13 TO COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING 5
14 UNITS PER ACRE (CL-O/5) ON 2.75 ACRES (PARCEL A)
15 AND TO INSTITUTIONAL, WITH AN UNDERLYING 8 UNITS
16 PER ACRE (INST/8) ON 7.03 ACRES, SUBJECT TO ONE
17 CONDITION (PARCEL B, THE WESTERN PORTION OF THE
18 SITE EXTENDING APPROXIMATELY 822 FEET FROM THE
19 REAR PROPERTY LINE); PROVIDING FOR REPEAL OF LAWS
20 IN CONFLICT; PROVIDING FOR SEVERABILITY;
21 PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE
22 PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

23 **WHEREAS**, on August 31, 1989, the Palm Beach County Board of County
24 Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-
25 17; and

26 **WHEREAS**, the Palm Beach County Board of County Commissioners
27 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II,
28 Florida Statutes; and

29 **WHEREAS**, Section 163.3187(1)(c), Florida Statutes, provides
30 comprehensive plan amendments directly related to small scale
31 development activity may be made by local governments without regard to
32 statutory limits regarding the timing and frequency of plan amendments;
33 and

34 **WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides that
35 small scale development amendments require only one public hearing
36 before the governing board which shall be an adoption public hearing;
37 and

38 **WHEREAS**, a property owner has initiated an amendment to the Future
39 Land Use Atlas of the 1989 Comprehensive Plan; and

40 **WHEREAS**, the proposed amendment meets the criteria of a small

1 scale development amendment per Section 163.3187(1)(c), Florida
2 Statutes; and

3 **WHEREAS**, the Palm Beach County Local Planning Agency conducted a
4 public hearing on August 27, 1999, to review the proposed amendment to
5 the Palm Beach County Comprehensive Plan and made recommendations
6 regarding the proposed amendments to the Palm Beach County Board of
7 County Commissioners pursuant to Chapter 163, Part II, Florida
8 Statutes; and

9 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
10 the governing body of Palm Beach County, conducted a public hearing
11 pursuant to Chapter 163, Part II, Florida Statutes, on December 2,
12 1999, to review the recommendations of the Local Planning Agency and to
13 consider adoption of the amendments; and

14 **WHEREAS**, the Palm Beach County Board of County Commissioners has
15 determined that the amendment complies with all requirements of the
16 Local Government Comprehensive Planning and Land Development Regulation
17 Act.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
19 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

20 **Part I. Amendments to the Future Land Use Atlas of the Land Use
21 Element of the 1989 Comprehensive Plan**

22 The following amendment to the Land Use Element's Future Land Use
23 Atlas is hereby adopted and is attached to this Ordinance:

24 **A. Future Land Use Atlas page 105 is amended as follows:**

25 **Application No. : 99-SCA 105 COM 1 (Strata Devco)**

26 **Amendment:** From Medium Residential, 5 units per acre
27 (MR-5) to Commercial Low-Office, with an
28 underlying 5 units per acre (CL-O/5) on 2.75
29 acres (Parcel A) and to Institutional, with
30 an underlying 8 units per acre (INST/8)
31 7.03 acres (Parcel B, the western portion).

the site extending approximately 822 feet from the rear property line).

General Location: West side of State Road 7/US 441,
approximately 1/2 mile north of Yamato Road;

Size: Approximately 9.78 total acres;

B. Condition: Parcel B is subject to the following condition:

1. The rear 7.03 acres (Parcel B) of the site shall be limited to a Congregate Living Facility or other non-residential use permitted in a residential land use category.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

1 APPROVED AND ADOPTED by the Board of County Commissioners of Palm

2 Beach County, on the 2 day of December, 1999.

3 ATTEST: PALM BEACH COUNTY, FLORIDA,
4 DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

5 By: Joan Slavens By Mande Ford Lee
6 Deputy Clerk Chair

7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

9 NATO B. S.
10 COUNTY ATTORNEY



11 Filed with the Department of State on the 7th day
12 of December, 1999.

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EXHIBIT 1

Future Land Use Atlas page 105 is amended as follows:

Amendment No.: 99-SCA 105 COM 1 (Strata Devco)

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial Low-Office, with an underlying 5 units per acre (CL-O/5) on 2.75 acres (Parcel A) and to Institutional, with an underlying 8 units per acre (INST/8) on 7.03 acres (Parcel B, the western portion of the site extending approximately 822 feet from the rear property line).

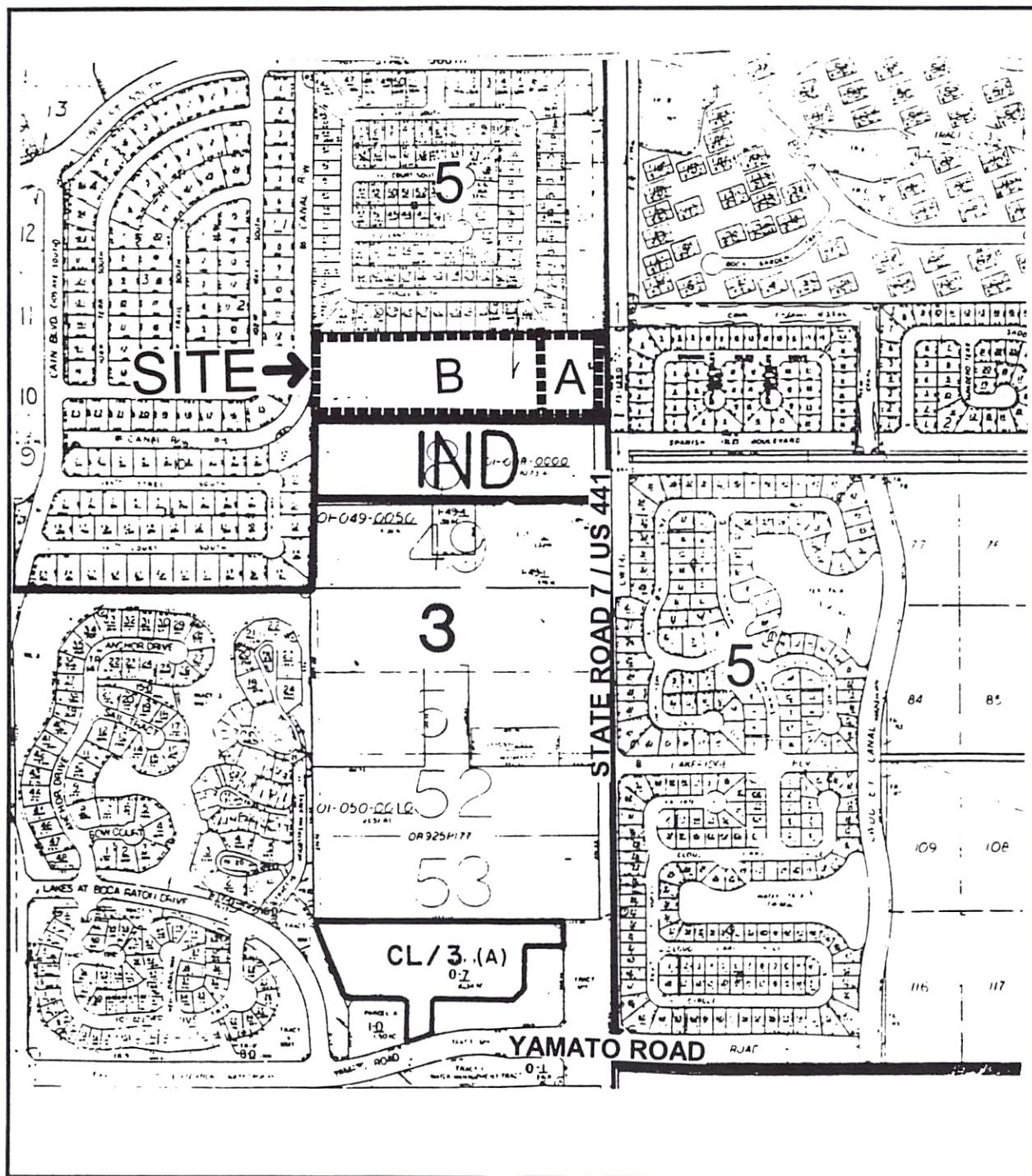
Location: West side of State Road 7/US 441, approximately 1/2 mile north of Yamato Road.

Size: Approximately 9.78 acres

Property No.: 00-41-47-01-001-0000 (a 9.78 portion of a 45.72 acre parcel)

Legal Description: See attached

Condition: The rear 7.03 acres (Parcel B) of the site shall be limited to a Congregate Living Facility or other non-residential use permitted in a residential land use category.



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LEGAL DESCRIPTION (PARCEL A):

A PORTION OF TRACT 7 IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, "FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 7; THENCE NORTH 99°15'60" EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 820.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°15'56" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 319.25 FEET; THENCE SOUTH 01°02'37" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROAD SEVEN, BEING A LINE 200.00 FEET WEST OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO THE BASELINE OF SURVEY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD SEVEN (SECTION 93210-2515), A DISTANCE OF 375.69 FEET; THENCE SOUTH 89°25'14" WEST, ALONG A LINE 519.25 FEET WEST OF, AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO SAID BASELINE, A DISTANCE OF 374.63 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 2.750 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (PARCEL B):

A PORTION OF TRACT 7 IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, "FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 7; THENCE NORTH 89°15'56" EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 820.60 FEET; THENCE SOUTH 01°02'37" EAST, ALONG A LINE 519.25 FEET WEST OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO THE BASELINE OF SURVEY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD SEVEN (SECTION 93210-2515), A DISTANCE OF 374.83 FEET; THENCE SOUTH 89°25'14" WEST ALONG THE SOUTH LINE OF SAID TRACT 7, A DISTANCE OF 819.36 FEET; THENCE NORTH 01°13'14" WEST, ALONG THE WEST LINE OF SAID TRACT 7, A DISTANCE OF 372.62 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 7.034 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 2, 1999.

DATED at West Palm Beach, FL on 12/21/99.

DOROTHY H. WILKEN, Clerk

By: Plane Brown S.C.

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
3 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
4 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
5 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE
6 ATLAS (FLUA); ADOPTING A SMALL SCALE DEVELOPMENT
7 AMENDMENT 99-SCA 72 INST 1 (CHILDREN'S HOME
8 SOCIETY); MODIFYING PAGE 72 OF THE FLUA BY
9 CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY
10 5.77 ACRES GENERALLY LOCATED APPROXIMATELY 150
11 FEET WEST AND 472 FEET NORTH OF THE NORTHWEST
12 CORNER OF FOREST HILL BOULEVARD AND DALINDA LANE
13 FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO
14 INSTITUTIONAL, WITH AN UNDERLYING 8 UNITS PER
15 ACRE (INST/8) SUBJECT TO ONE CONDITION;
16 PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
17 PROVIDING FOR SEVERABILITY; PROVIDING FOR
18 INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND
19 PROVIDING FOR AN EFFECTIVE DATE

20 **WHEREAS**, on August 31, 1989, the Palm Beach County Board of County
21 Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-
22 17; and

23 **WHEREAS**, the Palm Beach County Board of County Commissioners
24 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II,
25 Florida Statutes; and

26 **WHEREAS**, Section 163.3187(1)(c), Florida Statutes, provides
27 comprehensive plan amendments directly related to small scale
28 development activity may be made by local governments without regard to
29 statutory limits regarding the timing and frequency of plan amendments;
30 and

31 **WHEREAS**, Section 163.3187(1) (c)4, Florida Statutes, provides that
32 small scale development amendments require only one public hearing
33 before the governing board which shall be an adoption public hearing;
34 and

35 **WHEREAS**, a property owner has initiated an amendment to the Future
36 Land Use Atlas of the 1989 Comprehensive Plan; and

37 **WHEREAS**, the proposed amendment meets the criteria of a small
38 scale development amendment per Section 163.3187(1)(c). Florida

Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on October 22, 1999 , to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on December 2, 1999, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use
Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 72 is amended as follows:

Application No.: 99-SCA 72 INST 1 (Children's Home Society)

Amendment: From High Residential, 8 units per acre
(HR-8) to Institutional, with an underlying
8 units per acre (INST/8).

General Location: Approximately 150 feet west and 472 feet north of the northwest corner of Forest Hill

Agave *leucophylla* L. 77 agrees.

1 B. Condition: This parcel is subject to the following
2 condition:

3 1. The site shall be limited to a Congregate Living
4 Facility or other non-residential uses permitted in a
5 residential land use category.

6 Part II. Repeal of Laws in Conflict

7 All local laws and ordinances applying to the unincorporated area
8 of Palm Beach County in conflict with any provision of this ordinance
9 are hereby repealed to the extent of such conflict.

10 Part III. Severability

11 If any section, paragraph, sentence, clause, phrase, or word of
12 this Ordinance is for any reason held by the Court to be
13 unconstitutional, inoperative or void, such holding shall not affect
14 the remainder of this Ordinance.

15 Part IV. Inclusion in the 1989 Comprehensive Plan

16 The provision of this Ordinance shall become and be made a part
17 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
18 Ordinance may be renumbered or relettered to accomplish such, and the
19 word "ordinance" may be changed to "section," "article," or any other
20 appropriate word.

21 Part V. Effective Date

22 This amendment shall not become effective until 31 days after
23 adoption. If challenged within 30 days after adoption, this amendment
24 shall not become effective until the state land planning agency or the
25 Administration Commission, respectively, issues a final order
26 determining the amendment is in compliance.

1 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
2 Beach County, on the 2 day of December, 1999.

3 ATTEST:
4 DOROTHY H. WILKEN, Clerk

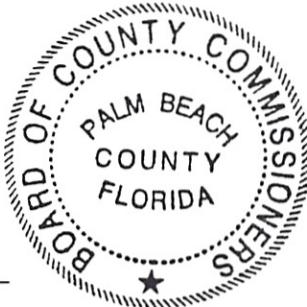
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

5 By: Joan Harerk
6 Deputy Clerk

By Maud Ford Lee
Chair

7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

9 John O'Neil
10 COUNTY ATTORNEY



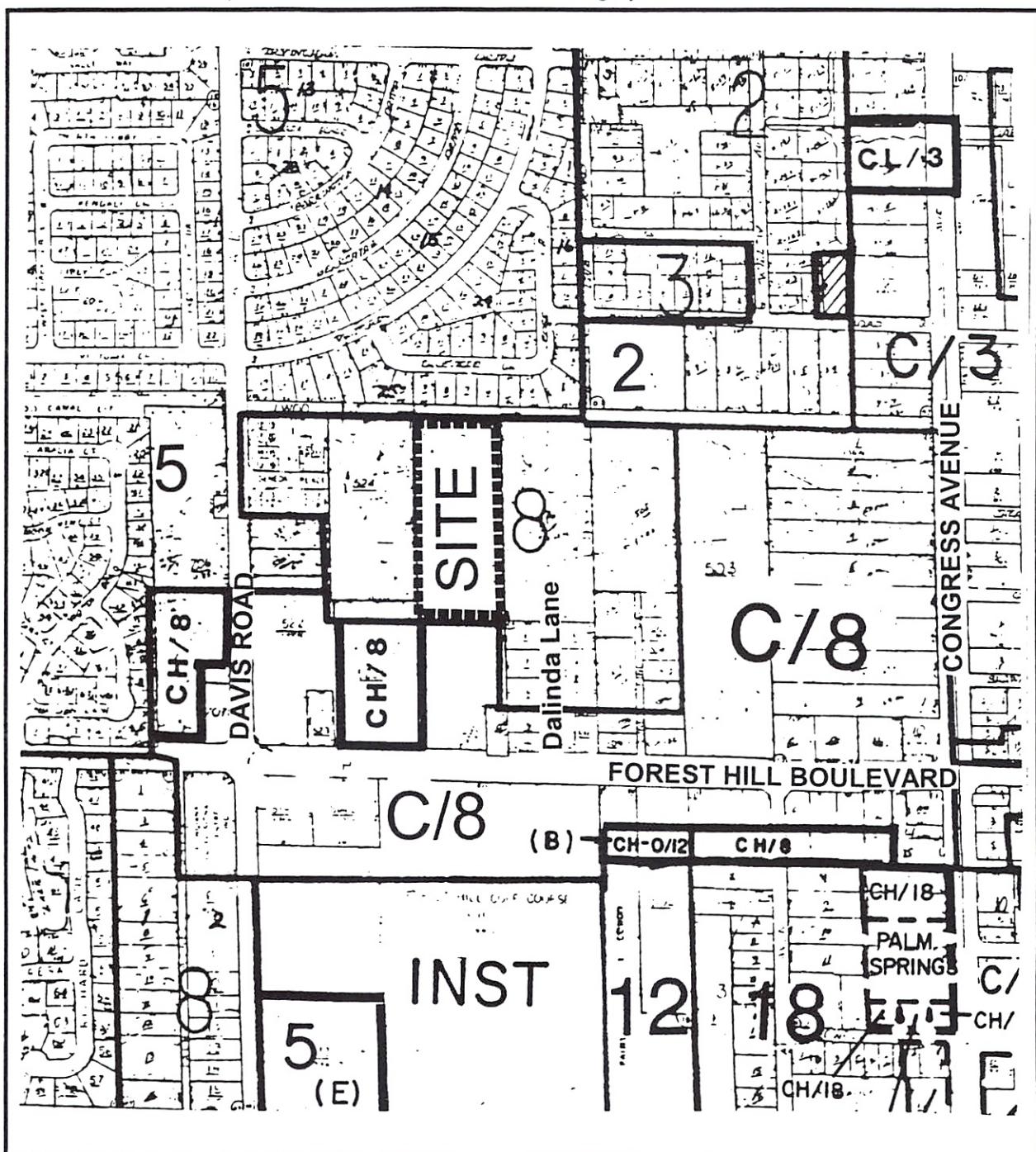
11 Filed with the Department of State on the 7th day
12 of December, 1999.

13 T:\PLANNING\AMEND\99-SCA\SITESPEC\ChildrensHome\CHS-ord.wpd

EXHIBIT 1

Future Land Use Atlas page 72 is amended as follows:

- Amendment No.: 99-SCA 72 INST 1 (Children's Home Society)
- Amendment: From High Residential, 8 units per acre (HR-8) to Institutional, with an underlying 8 units per acre (INST/8).
- Location: Approximately 150' west and 472' north of the northwest corner of Forest Hill Boulevard and Dalinda Lane.
- Size: Approximately 5.77 acres
- Property No.: 00-43-44-07-00-000-5170 (a 5.77 acre portion of a 9.35 acre parcel)
- Legal Description: See attached
- Condition: The site shall be limited to a Congregate Living Facility or other non-residential uses permitted in a residential land use category.



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Legal Description:

THE WEST 1/2 OF LOT 3, BLOCK 4, SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, OF PALM BEACH PLANTATIONS, PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 532.21 FEET THEREOF, AND

LESS THE NORTH 49.50 FEET (TAKEN BY THE LAKE WORTH DRAINAGE DISTRICT PURSUANT TO PALM BEACH CIRCUIT COURT CHANCERY CASE NO. 407, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA)

CONTAINING 5.77 ACRES, MORE OR LESS

SUBJECT TO RESERVATIONS, EASEMENTS, AND RIGHT OF WAY RECORD.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 2, 1999.

DATED at West Palm Beach, FL on 12/21/99.

DOROTHY H. WILKEN, Clerk

By: Diane Brown D.C.